

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF OKLAHOMA

(1) LEIRA BOWERMAN,

Plaintiff,

vs.

(1) OLSSON, INC., a foreign  
corporation,

Defendant.

Case No. 21-cv-150-KEW

**NOTICE OF REMOVAL**

Notice is hereby given that, pursuant to 28 U.S.C. §§ 1331, 1332, 1367, 1441, and 1446, Defendant Olsson, Inc. (“Olsson”) hereby removes this action from the District Court of McIntosh County, Oklahoma to the United States District Court for the Eastern District of Oklahoma, and as grounds for removal state as follows:

**I. TIMELINESS OF REMOVAL**

1. On or about April 19, 2021, Plaintiff Leira Bowerman (“Plaintiff”) filed a Petition in the District Court of McIntosh County, Oklahoma, styled *Bowerman v. Olsson, Inc.*, Case No. CJ 21-26 (the “State Court Action”).

2. Plaintiff served Olsson with the Summons and Petition on April 22, 2021. True and correct copies of the Petition, Summons, Return of Service on Olsson, and all other documents filed in the State Court Action are attached to this notice as **Exhibits 1, 2, 3, 4, and 5**. Pursuant to LCV81.2, a true and correct copy of the docket sheet for the State Court Action is attached to this Notice as **Exhibit 6**.

3. This Notice, filed within thirty days of receipt of the Summons and Petition, is timely under 28 U.S.C. § 1446(b).

## II. JURISDICTIONAL BASIS FOR REMOVAL

4. This Court has original jurisdiction over the pending civil action under 28 U.S.C. § 1332 on the basis of diversity jurisdiction for the reasons that the claims in this action are between citizens of different states and Plaintiff's claims place in controversy an amount in excess of \$75,000.00, exclusive of interest and costs. [Ex. 1, Petition at ¶ 6].

5. At all material times, Plaintiff was and is a citizen of the State of Oklahoma. See, Accurint Report, attached as **Exhibit 7**; Plaintiff's Name Change Pleadings filed in the District Court of Pittsburg County, attached as **Exhibits 8-10**; Plaintiff's Marriage Application and the filings related thereto from the District Court of Pittsburg County, attached as **Exhibits 11-13**; Oklahoma Traffic Collision Report, attached as **Exhibit 14**.

6. At all material times, Olsson was and is a Nebraska corporation, which is incorporated and exists under the laws of the State of Nebraska, with its principal place of business in Nebraska.

7. In her Petition, Plaintiff alleges that Olsson was negligent, and that such negligence directly caused injuries to Plaintiff including:

severe, permanent, painful, and disabling injuries which have caused her to miss work, and have also caused her to incur medical expenses. The Plaintiff will suffer severe and excruciating pain and mental anguish in the future. She will also be required to have future medical treatment for her injuries, and incur future medical expenses. The Plaintiff will be unable to work in the future, and has suffered impairment to her earning capacity.

[Ex. 1, Petition at ¶¶ 3-5].

8. Plaintiff further alleges that as a result of Olsson's negligence, Plaintiff incurred damages in an amount in excess of the minimum required for diversity jurisdiction pursuant to 28 U.S.C. § 1332. [Ex. 1, Petition at final paragraph requesting relief]. Plaintiff, through counsel, conveyed that she currently estimates her damages to be approximately \$250,000.00; thus, it is undisputed that this action involves damages exceeding this Court's jurisdictional limit.

9. Venue is proper in this District under 28 U.S.C. § 1441(a) because the state court where the suit was originally filed is located within this District.

10. Promptly after the filing of this Notice, Olsson will give Plaintiff written notification of the Notice.

11. A true and correct copy of this Notice will be filed with the Clerk of the District Court of McIntosh County, Oklahoma.

WHEREFORE, because the claims in this action are between citizens of different states and Plaintiff's claim places in controversy an amount in excess of \$75,000.00, Olsson hereby removes the above-captioned case from the District Court of McIntosh County, Oklahoma, to the United States District Court for the Eastern District of Oklahoma.

/s/ Jennifer R. Annis

Jennifer R. Annis, OBA #17741  
J. Chase Gordon, OBA #34415  
ATKINSON, HASKINS, NELLIS,  
BRITTINGHAM, GLADD & FIASCO  
525 S. Main Street, Suite 1500  
Tulsa, OK 74103  
(918) 582-8877  
Fax: (918) 585-8096  
[jannis@ahn-law.com](mailto:jannis@ahn-law.com)  
[cgordon@ahn-law.com](mailto:cgordon@ahn-law.com)

*Attorneys for Defendant Olsson, Inc.*

**CERTIFICATE OF SERVICE**

I hereby certify that on May 21, 2020, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to all attorneys of record. I further certify that a true and correct copy of the foregoing was served by electronic mail on the following:

Michael D. Parks  
10 E. Washington, Suite 102  
P.O. Box 3320  
McAlester, OK 74502  
[mike@mikeparkslaw.com](mailto:mike@mikeparkslaw.com)

/s/ Jennifer R. Annis